

AO 241 (Rev. 10/16)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA

PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE CUSTODY

Teele, Trenton G.
Plaintiff-Petitioner
(Full name under which you were convicted)

Place of Confinement: Fountain Correctional Facility
Prisoner No.: 280431

Civil Action No. 3:22-cv-01031-LS
(to be filled in by the Clerk's Office) -NAC

*Amended Petition

-v-
Reosha Butler, Warden
Respondent
(Name of Warden, Superintendent, Jailer, or authorized person
having custody of petitioner.)

and

THE ATTORNEY GENERAL OF THE STATE OF ALABAMA

* AMENDED *
PETITION

1. (a) Name and location of court that entered the judgment of conviction you are challenging. Do not use this form unless you were convicted in one of the following counties: BIBB, BLOUNT, CALHOUN, CHEROKEE, CLAY, CLEBURNE, COLBERT, CULLMAN, DEKALB, ETOWAH, FAYETTE, FRANKLIN, GREENE, JACKSON, JEFFERSON, LAMAR, LAUDERDALE, LAWRENCE, LIMESTONE, MADISON, MARION, MARSHALL, MORGAN, PICKENS, SHELBY, ST. CLAIR, SUMTER, TALLADEGA, TUSCALOOSA, WALKER, WINSTON.

Lauderdale County Courthouse - Lauderdale, Alabama

(b) Criminal docket or case number (if you know): CC-2018-001033.00

2. (a) Date of the judgment of conviction (if you know): _____

(b) Date of Sentencing: 10-25-2018

3. Length of Sentence: 97 months - split time served - 240 d
4. In this case, were you convicted on more than one count or more than one crime? ☐ Yes ☒ No
5. Identify all crimes of which you were convicted and sentenced in this case: _____

6. (a) What was your plea? (Check one)
- | | |
|--|---|
| <input type="checkbox"/> (1) Not guilty | <input type="checkbox"/> (3) Nolo contendere (no contest) |
| <input checked="" type="checkbox"/> (2) Guilty | <input type="checkbox"/> (4) Insanity plea |
- (b) If you entered a guilty plea to one count or charge and a not guilty plea to another count or charge, what did you plead guilty to and what did you plead not guilty to? _____

- (c) If you went to trial, what kind of trial did you have? (Check one)
- | | |
|-------------------------------|--|
| <input type="checkbox"/> Jury | <input checked="" type="checkbox"/> Judge only |
|-------------------------------|--|
7. Did you testify at a pretrial hearing, trial, or a post-trial hearing?
- | | |
|------------------------------|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
|------------------------------|--|
8. Did you appeal from the judgment of conviction?
- | | |
|------------------------------|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
|------------------------------|--|
9. If you did appeal, answer the following:
- (a) Name of court: _____
- (b) Docket or case number (if you know): _____
- (c) Result: _____
- (d) Date of Result (if you know): _____
- (e) Citation to the case (if you know): _____
- (f) Grounds raised: _____

- (g) Did you seek further review by a higher state court? ☐ Yes ☐ No

If yes, answer the following:

- (1) Name of court: _____
(2) Docket or case number (if you know): _____
(3) Result: _____
(4) Date of result (if you know): _____
(5) Citation to the case (if you know): _____
(6) Grounds raised: _____

- (h) Did you file a petition for certiorari in the United States Supreme Court? ☐ Yes ☐ No

If yes, answer the following:

- (1) Docket or case number (if you know): _____
(2) Result: _____
(3) Date of result (if you know): _____
(4) Citation to the case (if you know): _____

10. Other than the direct appeals listed above, have you previously filed any other petitions, applications, or motions concerning this judgment of conviction in any state court? ☒ Yes ☐ No

11. If your answer to Question 10 was "Yes," give the following information:

- (a) (1) Name of court: Circuit Court of Lauderdale county
(2) Docket or case number (if you know): CC-2018-1033
(3) Date of filing (if you know): _____
(4) Nature of the proceeding: motion for correction of
(5) Grounds raised: jail credit

(6) Did you receive a hearing where evidence was given on your petition, application, or motion? ☐ Yes ☒ No

(7) Result: denied

(8) Date of result (if you know): _____

(b) If you filed any second petition, application, or motion, given the same information:

(1) Name of court: Circuit Court Lauderdale County

(2) Docket or case number (if you know): 2018-1033

(3) Date of filing (if you know): _____

(4) Nature of the proceeding: motion to dismiss and release

(5) Grounds raised: Breach of plea agreement

DA-18-53 - plea agreement states
defendant only has 89 months
remaining - Defendant was imposed
to a full 97 months

(6) Did you receive a hearing where evidence was given on your petition, application, or motion? ☐ Yes ☒ No

(7) Result: denied

(8) Date of result (if you know): _____

(c) If you filed any third petition, application, or motion, give the same information:

(1) Name of court: _____

(2) Docket or case number (if you know): _____

(3) Date of filing (if you know): _____

(4) Nature of the proceeding: _____

(5) Grounds raised: _____

- _____
- _____
- _____
- _____
- _____
- (6) Did you receive a hearing where evidence was given on your petition, application, or motion? ☐ Yes ☐ No
- (7) Result: _____
- (8) Date of result (if you know): _____
- (d) Did you appeal to the highest state court having jurisdiction over the action taken on your petition, application, or motion?
- (1) First petition: ☐ Yes ☒ No
- (2) Second petition: ☐ Yes ☒ No
- (3) Third petition: ☐ Yes ☐ No
- (e) If you did not appeal to the highest state court having jurisdiction, explain why you did not: _____
- _____

12. For this petition, state *concisely* every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available state-court remedies on each ground on which you request action by the federal court. Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date in a second or successive habeas corpus petition.

GROUND ONE: Sentence imposed exceeds what
is authorized by law

- (a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim):

Defendant was imposed to a full
97 months on 8-2-22, when in fact
only had 89₅ months remaining.

defendant has been deprived of
8 months of his liberty.

(b) If you did not exhaust your state remedies on Ground One, explain why: _____

(c) **Direct Appeal of Ground One:**

(1) If you appealed from the judgment of conviction, did you raise this issue: ☒ Yes ☐ No

(2) If you did not raise this issue in your direct appeal, explain why: _____

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court: ☒ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: motion to dismiss - due to "breach"

Name and location of the court where the motion or petition was filed: _____

Lauderdale County Courthouse

Docket or case number (if you know): 2018 - 1033

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion or petition? ☐ Yes ☒ No

(4) Did you appeal from the denial of your motion or petition? ☐ Yes ☒ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

☐ Yes ☐ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

- (7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise the issue: _____

- (e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground One: _____

GROUND TWO: plain error

- (a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim):

defendent was deprived of his
liberty. Defendent was injured during
this time. Error is so obvious

- (b) If you did not exhaust your state remedies on Ground Two, explain why: _____

(c) **Direct Appeal of Ground Two:**

- (1) If you appealed from the judgment of conviction, did you raise this issue: ☒ Yes ☐ No
(2) If you did not raise this issue in your direct appeal, explain why: _____

(d) **Post-Conviction Proceedings:**

- (1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court: ☒ Yes ☐ No
(2) If your answer to Question (d)(1) is "Yes," state:
Type of motion or petition: _____
Name and location of the court where the motion or petition was filed: motion
to dismiss and release
Docket or case number (if you know): _____
Date of the court's decision: _____
Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion or petition? ☐ Yes ☒ No
(4) Did you appeal from the denial of your motion or petition? ☐ Yes ☐ No
(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?
☐ Yes ☐ No
(6) If your answer to Question (d)(4) is "Yes," state:
Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____
Date of the court's decision: _____
Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise the issue: _____

15. Do you have any petition or appeal now pending (filed and not decided yet) in any court, either state or federal, for the judgment you are challenging? ☐ Yes ☒ No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised. _____

16. Give the name and address, if you know, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At the preliminary hearing: Maurice McCaney

(b) At arraignment and plea: _____

(c) At trial: _____

(d) At sentencing: Maurice McCaney

(e) On appeal: _____

(f) In any post-conviction proceeding: Temberly Sledge

(g) On appeal from any ruling against you in a post-conviction proceeding: _____

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? ☐ Yes ☒ No

(a) If so, give name and location of court that imposed the other sentence you will serve in the future: _____

(b) Give the date the other sentence was imposed: _____

(c) Give the length of the other sentence: _____

Therefore, petitioner asks that the court grant the following relief: release defendant
from incarceration immediately

or any other relief to which petitioner may be entitled.

Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Petition for Writ of Habeas Corpus was placed in the prison on 10-10-22 (month, date, year).

Executed (signed) on 10-15-22
(date)

Trent Leele
Signature of Petitioner



SECURITY

OCT 24 2022

U.S. DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA

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Office

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Northern District of Alabama

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Fountain Correctional Facility